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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,844	12/08/2000	Tatsu Inoue	Q62172	1820

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

LAMBRECHT, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/731,844	INOUE, TATSU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6 December 2005 ("Remarks") have been fully considered but they are not persuasive. The amended claims do not patentably distinguish over the art of record.

Regarding independent claim 1, Applicant alleges that the range-displaying device and (2) the mode-specifying device patentably distinguish over the combination of Proehl and Lemmons (both of record). (Remarks, pp. 10-11.)

With respect to (1) the range-displaying device, claim 1, as amended, requires "a range displaying device for displaying a program table range to be displayed in the second display mode in such a manner that the program table range is superimposed on a program table displayed in the first display mode...." As set forth in the rejection of claim 1 in the prior Office action, time bar area 1012 (Proehl, fig. 10) corresponds to the claimed "range displaying device"; the display mode at step 1040 (Proehl, fig. 10) corresponds to the claimed "first display mode"; and the display mode at step 1010 corresponds to the claimed "second display mode".

Referring to figure 10 of Proehl, Examiner notes that the time range displayed in time bar area 1012 is a program table range displayed in second display mode 1010; the time range displayed in time bar area 1402 is a program table range displayed in first display mode 1040. Additionally, Examiner notes that the time range displayed by time bar area 1012 is a subset of the time range displayed by time bar area 1402. (See Proehl, column 7, lines 33-50.) Thus, the program table range (i.e., time range represented in time bar area 1012) to be displayed in the second mode (at 1010) is necessarily displayed on a program table displayed in the first display mode (at step 1040). That is, the range displayed on time bar area 1012 at step 1010 is also displayed on time bar area 1402 at step 1040. Time ranges in time bar areas 1012 and 1402 are delineated by time indicators (e.g., 1022 and 1024) that are superimposed on the time bar area of the program table. It follows, therefore, that Proehl discloses a range-displaying device (i.e., time bar

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area) for displaying a program table range to be displayed in the second display mode (shown at step 1010) in such a manner that the program table range (i.e., time range) is superimposed on a program table displayed in the first display mode (shown at step 1040).

In view of the above, Examiner submits that the range-displaying device of claim 1 fails to patentably distinguish over the disclosure of Proehl.

With respect to (2) the mode-specifying device, claim 1 requires “a mode specifying device for receiving an instruction to change the program table range between the first display mode and the second display mode, and wherein the range displaying device changes the program table range between the first display mode and the second display mode in response to the instruction by [sic] received by the mode specifying device.” Applicant submits that the claimed mode-specifying device enables a user to quickly and easily change between the first and second display modes, and thus defines patentable advantages over the Proehl reference. Examiner submits, however, that Proehl discloses the claimed mode-specifying device and thereby incorporates any such advantages indicated by Applicant as resulting therefrom.

Referring to column 7, lines 4-12, Proehl discloses a mode-specifying device (zoom button) for issuing an instruction to change the program table between the first and second display modes. Furthermore, Proehl discloses that the range-displaying device (i.e., time bar area) changes the program table range between the first and second display modes (col. 7, lines 32-50) in response to the instruction received by the mode-specifying device (col. 8, lines 2-8). Thus, Proehl discloses the mode-specifying device of claim 1.

In view of the foregoing, Examiner submits that claim 1 fails to distinguish over the art of record. Because independent claim 3 recites features analogous to those of claim 1, Examiner submits claim 3 also fails to distinguish over the art of record for the same reasons.

On page 12 of the Remarks, Applicant submits that claims 2, 4, 5, and 6 are patentable by virtue of their respective dependencies on claims 1 and 3. For the reasons indicated above, Examiner submits

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that claims 1 and 3 remain obvious in view of the art of record. Absent further arguments to the contrary, Applicant's remarks fail to adequately establish the patentability of claims 2, 4, 5, and 6. Accordingly, claims 1-6 stand rejected.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl (of record) in view of Lemmons (of record).

Regarding claims 1 and 3, Proehl discloses a program guide displaying apparatus (fig. 1) and corresponding method comprising:

a program guide information obtaining device (IRD 2, fig. 1; detail, fig. 2) for obtaining program information (col. 3, ll. 18-44) including information indicative of a program name (title, col. 5, l. 12), a genre name (category, col. 5, ll. 13-14), a start time (col. 5, l. 12), a length of a program or an end time (col. 5, l. 13), a broadcasting channel (col. 5, l. 2-4), and a broadcasting date (inherent where current date, col. 4, ll. 63-66, and program start time, col. 5, l. 12, are known) of respective one of a plurality of programs;

a program information displaying device (4, fig. 1) for displaying the program information as for the programs in a first display mode (6-hr. display, fig. 12), or a second display mode (1.5-hr. display, fig. 11) (col. 7, ll. 50-55), which are exchangeable to each other (by user requesting an alternate level of detail, col. 7, ll. 4-5), wherein said program information displaying device displays the program

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information in such a manner that the programs are distinguishable from each other by icons set for respective statuses (attributes) of the programs (col. 7, ll. 56-63) for a first time range (6-hr, fig. 12) on a time axis (horizontal, fig. 12) and a first channel range (10-ch., fig. 12) on a channel axis (vertical, fig. 12) in the first display mode (6-hr. display, fig. 12), and that the programs are distinguishable from each other by at least program names of the programs (see fig. 11) for a second time range (1.5-hr., fig. 11), which is narrower than the first time range ( $1.5\text{hr} < 6\text{-hr.}$ ), on the time axis (horizontal) and a second channel range (7-ch., fig. 11), which is narrower than the first channel range ( $7\text{-ch.} < 10\text{-ch.}$ ), on the channel axis (vertical) in the second display mode (fig. 11);

a range displaying device (timer bar area 1012, fig. 10) for displaying a program table range to be displayed in the second display mode (illustrated in step 1010, fig. 10) in such a manner that the program table range is superimposed on a program table displayed in the first display mode (illustrated in step 1040, fig. 10) (i.e., the 1.5-hour time range shown in the second display mode, illustrated in step 1010 is superimposed on the greater, e.g., 6-hour range shown in the first display mode, illustrated in step 1040, fig. 10);

a movement specifying device (remote control 5, fig. 1) for receiving an instruction to move the program table range (operation buttons include north, south, east, and west buttons, col. 4, ll. 56-61, the user can scroll the EPG horizontally or vertically, col. 5, ll. 63-67); and

a moving device for moving the program table range on the program table displayed in the first display mode, in response to the instruction received by said movement specifying device (col. 4, ll. 56-61 and col. 5, ll. 63-67), wherein said moving device moves the program table range for a distance equivalent to a predetermined number of unit-time periods in a time axis direction (i.e., horizontal) and a predetermined number of channels in a channel axis direction (i.e., vertical) (where scrolling of the EPG in the horizontal and vertical directions inherently involves moving the program table a predetermined number of unit-time periods and/or channels),

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wherein the program guide displaying apparatus further comprises a mode specifying device (button, col. 7, lines 2-10) for receiving an instruction to change the program table range between the first display mode and the second display mode (col. 7, lines 2-12), and

wherein the range displaying device (time bar area 1012/1402, fig. 10) changes the program table range between the first display mode (see step 1040, fig. 10) and the second display mode (see step 1010) in response to the instruction by received by the mode specifying device (col. 8, lines 2-8).

Proehl fails to explicitly disclose that the programs are distinguishable from each other by colors set for respective genres in the first display mode.

In an analogous art, Lemmons discloses the programs are distinguishable from each other by colors set for respective genres in the first display mode (col. 6, ll. 57-67 and col. 7, l. 34 - col. 8, l. 5), thereby enabling the user to quickly identify programs matching a particular genre (col. 5, ll. 19-30).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Proehl to include the programs are distinguishable from each other by colors set for respective genres, as taught by Lemmons, for the benefit of enabling the user to quickly identify programs matching a particular genre.

As to claims 5 and 6, Proehl and Lemmons together disclose the apparatus and method according to claims 1 and 3. In addition, Proehl discloses the program table range displayed on the first display mode (first level of detail) comprises the first time range and the first channel range and the program table range displayed on the second display mode (second level of detail) comprises the second time range and the second channel range (col. 7, ll. 9-14), and

wherein the program table range displayed on the second display mode corresponds to a subset of the program table range displayed on the first display mode (i.e., zooming in to a greater level of detail

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when transitioning from the first display mode to the second display mode results in a display comprising a subset of the channels and times displayed in the first mode, col. 7, ll. 13-25; see figs. 9 & 10).

4. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl in view of Lemmons and further in view of Takahashi (of record).

Regarding claims 2 and 4, Proehl and Lemmons together disclose a program guide displaying apparatus according to claims 1 and 3, wherein the range displaying device changes the program table range between display modes in response to instructions received by the mode specifying device (see Proehl as applied to claims 1 and 3, above). However, they fail to teach a third display mode in which the program information is indicated as a popup display, as claimed.

In an analogous art, Takahashi discloses a display mode for a programming guide in which program information is indicated as a popup display (TY, fig. 4B, col. 6, lines. 32-49), which is displayed at a vicinity of a program cell which is currently selected on the program table (within the same row of the display table as the cell that was selected, see fig. 4B & col. 6, ll. 37-40) in a first display mode (see fig. 4A) and indicates information related to the program (e.g., title and summary, col. 6, ll. 37-49) corresponding to the selected program cell (designated by KA), wherein the popup display is displayed at a position determined in correspondence with a position of the program cell (i.e., within the same row of the display table). Takahashi further discloses permitting the user to change to the popup display mode in response to receipt of a mode-specifying instruction ("explanation button", see figs. 6-7), and that the system enables the user to access a more detailed explanation of a selected program (col. 10, ll. 58-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the program guide displaying system of Proehl and Lemmons to include a third display mode including a popup display of program information, and wherein the mode specifying device receives an instruction to change between the first and third display modes, as taught by



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Takahashi, for the benefit of providing the user access to a more detailed explanation of a selected program in a program guide displaying apparatus.

*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht  
Examiner  
Art Unit 2611

cml



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